



An
Bord
Pleanála

Inspector's Report PL29N.247173

Development	Construction of an extension over single storey area to rear at 23 Findlater Street, off Infirmary Road, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1229/16
Applicant(s)	Corina M. Byrne
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant(s)	Corina M. Byrne
Observer(s)	Fiona Walsh Brendan Woods
Date of Site Inspection	November 23 rd 2016
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 103.3 square metres, is located on Findlater Street, off Infirmary Road, Dublin 7. The site contains a single storey mid-terrace cottage of stated floor area 60.5 square metres. The cottage has a narrow frontage to the street but the triangular shaped site means that the site is larger than most others along the terrace.
- 1.2. This is an attractive enclave of single storey cottages.

2.0 Proposed Development

- 2.1. The proposed development, as described in the submitted public notices, comprises
- The construction of a new mansard- type first floor extension over existing single storey area to the rear in order to accommodate two bedrooms, bathroom and attic
- 2.2. The stated floor area of the proposed works is 33 square metres.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for one no. reason as follows:

The proposed development is located in an area zoned Z2-Residential Conservation Area- with the land use objective "To protect and/or improve the amenities of residential conservation areas". The proposed first floor extension to the rear, due to its height and scale, would have an unacceptable effect on the residential amenities enjoyed by the occupants of adjacent property, in particular No. 22 Findlater Street, in terms of access to daylight and sunlight and overbearing impact. The proposed development, would, therefore seriously injure the residential amenities of neighbouring property, and would be contrary to the Z2 zoning objective for the area.

3.2. **Planning Authority Reports**

The report of the area planner reflects the decision of the planning authority

3.3. **Other Technical Reports**

Engineering Department: No objections, subject to condition

4.0 **Planning History**

4.1. 1289/15

Permission REFUSED for a construction of first floor extension over existing ground floor area. Reason for refusal related to impacts on visual amenity; on scale and character of dwelling and adjacent dwelling and on residential amenity in terms of access to daylight and sunlight.

5.0 **Development Plan**

5.1. The Dublin City Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning

'Z2'- which seeks to 'protect, and/or improve the amenities of residential conservation areas'

Section 16.2.2.3 Alterations and Extensions

Appendix 17 Guidelines for Residential Extensions

Section 11.1.5.4 Architectural Conservation Areas and Conservation Areas

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Outlines examples of two-storey extensions to single storey cottages
- Two storey extensions granted to rear of 22 and 21 Findlater Street
- Proposal will enhance the housing stock by virtue it provides a 2/3 bedroom unit in an area predominantly comprising of 1 bed units
- Copy of submission to planning authority submitted
- No possible to lower floor level due to drainage issues
- Profile of proposed ridge line erected to demonstrate actual view
- Proposal would not form any substantial precedent
- Visual impact on streetscape is minimal- proposed works masked by existing structure when viewed from streetscape
- Proposal will provide a more rational layout and a better quality of space
- No visual intrusion on adjoining sites
- No impacts on light
- Proposal will not increase loading on existing drains
- Existing open space being maintained in full

6.2. Planning Authority Response

None

6.3. Other Party Responses

6.4. None

6.5. Observations

6.6. Two observations were received which may be both summarised as follows:

- Proposal overbearing in terms of scale and
- Impacts on streetscape
- Reason for refusal 'watered down' from that originally refused on site
- Constructed ridge line was not a ridge line that accurately reflected a profile of the proposed development as it was merely a single pointed stick, did not traverse length or depth of proposed development, hard to see and did not replicate impact of proposed works
- Ridge lines shown on submitted drawings are considerably further back than that proposed
- Does not agree that proposal will be minimal and will not detract from existing visual amenities
- Contends that development has taken place in rear garden since application was lodged- current drawings therefore incorrect
- Extensions built to rear of Findlater Street uphold integrity of street; do not rise above single storey ridge lines and are not visible from street
- Concerns regarding impacts on privacy and overlooking
- Concern regarding use of proposed extension as separate unit
- Many of extensions cited in appeal submission are in Ringsend, having no impact on Findlater Street

7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- Impacts on visual and residential amenity
- Appropriate Assessment

7.2 Impacts on visual and residential amenity

7.2.1 The proposal provides for a first floor extension over an existing single storey rear extension in order to provide additional floorspace to a cottage of relatively restricted floorspace. I note the decision of the planning authority to refuse permission on grounds of impacts on amenity. I note the submission of the first party and the observations received. I also note that the site is located within an area zoned 'Objective Z2' in the operative City Development Plan which seeks to 'protect, and/or improve the amenities of residential conservation areas' and that this is an attractive enclave of development. The designation as a residential conservation area is considered reasonable. I do not have issue with the principle of the construction of an appropriate extension to the rear of this cottage. However, I do have issue with the proposal before on a number of levels. I do not concur with the opinion of the planning authority that the visual impact of the proposal would be minimal and would not detract unduly from the visual amenities of the area. Having regard to the height and design of the proposed extension, I am of the opinion that the proposal would be visible from the surrounding area and as a result would detract from the character and amenity of the streetscape at this location. This is an attractive enclave of dwellings and I consider that the proposed works would detract from this and would be likely to set a precedent for other similar developments in the vicinity. The examples cited by the appellant in support of the appeal do not in the main relate to this area. This area is considered to be relatively pristine in terms of inappropriate developments above the original roofline. I note from the documentation that

adjoining properties have constructed first floor extension. Their height is such that they are not visible from the streetscape. I consider that an alternative roof design may be able to overcome this issue, in any future application on the site.

7.2.2 In terms of impacts on residential amenity, I note that this is a high density residential area in close proximity to the city centre. I would concur with the opinion of the planning authority that due to the height and scale of the proposed works, it would have an overbearing impact on adjoining properties, in particular No. 22 Findlater Street and would impact negatively on daylight and sunlight. As a result, the proposal is considered to seriously detract from the residential amenity of the area to such an extent as to warrant a refusal of permission.

7.2.3 I note that one of the proposed bedrooms is to be naturally lit solely by a rooflight. I consider that this would provide an inadequate level of amenity to any future occupants. If the Bord is disposed towards a grant of permission in this case, I recommend that this room be used as a non-habitable space.

7.2.4 Issues raised in relation to possible unauthorised development are a matter for the enforcement section of the planning authority, outside the remit of this appeal.

7.2.5 I am assessing the proposal as set out in the submitted public notices and I have no information before me to believe that the proposed development is intended for use as a separate residential unit.

7.2.6 Having regard to all of the above, I consider that the proposed works to be unacceptable and inconsistent with the proper planning and sustainable development of the area.

7.3 **Appropriate Assessment**

7.3.1 The subject site is located in an established residential area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the

nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission should be refused, for the reasons set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the provisions of the Dublin City Development Plan 2016-2022 and to the nature, scale, height and design of the proposed development, it is considered that the proposed development would seriously impact the character and amenity of the streetscape at this location and would set an undesirable precedent for similar type development which extend above the existing ridge line in this location. It is also considered that the proposal would seriously injure the residential amenities of the area by reason of overbearing impacts and would negatively impact on access to daylight and sunlight for adjoining properties. The proposed development is considered to be unacceptable would, therefore, be inconsistent with the proper planning and sustainable development of the area.

Lorraine Dockery
Planning Inspector

28th November 2016